REMARKS

Claims 1 – 21, 23 – 28 and 30 – 39 are currently pending in the application. By this amendment, claims 27 and 39 have been amended. More specifically, claim 27 has been amended to include the features of canceled claim 29. Additionally, claim 39 has been amended to add features similar to those of now canceled claim 29. Applicant submits that no new matter is added by the above amendment. Support for the amendment may be found at least at original claim 29. Reconsideration of the rejected claims in view of the above amendment and below remarks is respectfully requested.

Interview Summary

Applicant appreciates the courtesy extended to Applicant's representative in granting the Examiner Interview of July 15, 2009. In the interview, Applicant's representative and the Examiner discussed the prior art and the current claims. Applicant noted that the applied references did not appear to disclose, teach or suggest features of the present invention, as recited in the independent claims and many dependent claims. The Examiner indicated that she would consider Applicant's positions upon reviewing the instant response.

Applicants are not conceding in this application that previously presented claims 27 and 39 are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue the previously presented claims in one or more continuations and/or divisional patent applications.

35 U.S.C. §102 Rejection

Claims 27 – 31 and 39 were rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent Publication 2002/0152904 issued to Doty, Jr. ("Doty"). This rejection is respectfully traversed.

Independent Claims 27 and 39

As noted above, by the present amendment, claim 27 has been amended to include the features of claim 29 and claim 39 has been amended to add features similar to those of claim 29 (i.e., the features of claim 29 slightly adjusted to maintain antecedent basis to claim 39). Thus, claim 27 recites, in pertinent part:

> . . . wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material.

Additionally, claim 39 recites, in pertinent part:

> . . . wherein the second computer code and the first computer code upload the SCO and communicate with a content manager loader for storing the SCO in a learning objects repository and wherein the second computer code uploads a package and parses the package to extract structure and titles of the package, the package containing the SCO and promotional material.

Applicant submits that Doty does not disclose each of the features of claims 27 and 39. For example, Applicant submits that Doty does not disclose wherein the DRM content packager (or the second computer code) uploads a package and parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material.

In addressing the above-noted features of the present invention (in addressing previously

presented claim 29), the Examiner asserts that Doty discloses these features at paragraphs

[0137], [0158], [0164] and [0167]. Applicant respectfully disagrees.

More specifically, the Examiner asserts that paragraph [0164] discloses that the DRM

content packager "parses the package to extract structure and titles of the package." Applicant

has reproduced paragraph [0164] below, which states:

> FIG. 19 illustrates a screen shot of another embodiment of a page 300 used
> in conjunction with an administrative portal 22. The page 300 includes
> controls 310 for viewing orders, emailing updates, CD orders,
> problems/requests, excel or ASCII versions, generating other reports and
> the like. The page 300 can also include an admin reports section 320 that
> can identify a user ID, name, order number, course name, date, status,
> state, price and the like.

Additionally, Applicant has reproduced Figure 19 of Doty below.

Fig. 19
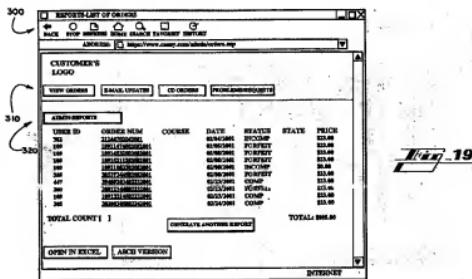
While acknowledging that Figure 19 shows an admin reports section 320 that may be

used to identify a user ID, name, order number, course name, date, status, state, price and the

like, Applicant respectfully submits that paragraph [0164] and Figure 19 do not disclose that the

DRM content packager "parses the package to extract structure and titles of the package."

Instead, Applicant submits that paragraph [0164] and Figure 19 merely illustrate that an

administrative portal can also include an admin reports section 320 which identifies a user ID, name, order number, course name, date, status, state, price and the like. Applicant notes that paragraph [0164] and the entirety of Doty is completely silent with regard to "parse," "parsing" and "parsed."

Thus, Applicant respectfully submits that Doty does not disclose "wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package," as recited in claims 27 and 39.

Additionally, Applicant submits that Doty does not disclose the package containing the SCO <u>and promotional material</u>. In addressing this feature of the invention, the Examiner asserts paragraph [0137] discloses this feature. Applicant respectfully disagrees. Applicant has reproduced paragraph [0137] below, which states (emphasis added):

> FIG. 12 illustrates a screen shot of an embodiment of a sign up page 72. The sign up page 72 typically includes a personal information section including fields for name, password, license number, date of birth, social security number, <u>promotional code</u>, email address, credit card type, credit card number, credit card expiration date and other pertinent demographic information. The page 72 can also include a billing information section having fields for name, address, city, state, zip code and other pertinent demographic information.

Additionally, Applicant has reproduced Figure 12 below.
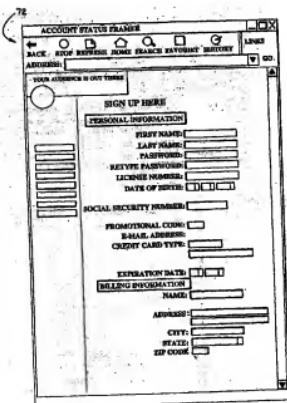
Applicant submits that paragraph [0137] discusses and Figure 12 illustrates a sign up page used with the Doty system. As shown, the sign up page typically includes a personal information section including fields for name, password, license number, date of birth, social security number, email address, credit card type, credit card number, credit card expiration date and other pertinent demographic information. Additionally, the sign up page may include a field for a promotional code. As should be understood by those of ordinary skill in the art, if applicable, a user would enter a promotional code in the promotional code field to receive some offered promotion upon signing up to the system.

With this understanding in mind, Applicant respectfully submits that Doty does not disclose "the package containing the SCO and promotional material," as recited in claims 27 and 39. Initially, Applicant submits that paragraph [0137] and Figure 12 are related to the sign up page for a new user prior to using the system of Doty. However, Applicant respectfully submits that the sign up page cannot constitute the recited package uploaded by the DRM content packager, which contains the promotional material. That is, the sign up page is not the content

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that is protected using DRM. Instead, Applicant submits that the sign up page allows a user to sign up for the Doty system so that they may then access the learning materials.

Additionally, Applicant notes that in addressing the DRM content packager "parses the package to extract structure and titles of the package," the Examiner refers to Figure 19, which illustrates order numbers, statuses and dates of education classes in an administrative portal. However, in addressing the "the package containing the SCO and promotional material," the Examiner cites Figure 12, which illustrates the sign up page of a student portal. As such, it appears the Examiner is changing the designation of the recited package in treating the features of claims 27, 39 and previously presented claim 29.

Moreover, assuming *arguendo* that the sign up page could be considered the recited package (which Applicant does not concede), Applicant submits that a promotional code field does not constitute the recited promotional material. As noted above, entering a promotional code in the promotional code field may allow a user to receive some offered promotion upon signing up to the system. However, Applicant respectfully submits that Doty's disclosure of a promotional code field (i.e., a blank space into which a user may enter a promotional code) does not constitute promotional material.

Thus, for at least these reasons, Applicant submits that Doty does not disclose wherein the DRM content packager (or the second computer code) uploads a package and parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material, as recited in claims 27 and 39. Therefore, Applicant respectfully submits that Doty does not disclose each of the features of claims 27 and 39, and does not anticipate the present invention.

Dependent Claims 28, 30 and 31

Applicant submits that claims 28 – 31 are dependent claims, depending from a distinguishable base claim. Thus, claims 28 – 31 should be in condition for allowance based upon their dependencies.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 27, 28, 30, 31 and 39 be withdrawn.

35 U.S.C. §103 Rejections

Claims 1, 5 – 11, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Digital Asset Management dated May 22, 2001 ("DAM") in view of Doty. Claims 2 – 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over DAM in view of Doty and U.S. Patent 6,868,403 issued to Wiser et al. ("Wiser"). Claims 12 – 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over DAM in view of Doty and further in view of U. S. Patent 6,314,517 issued to Moses et al. ("Moses"). Claims 17 – 21, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Doty in view of U. S. Patent Publication 2003/0084345 issued to Bjornestad at al. ("Bjornestad"). Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doty, Bjornestad and Moses. Claims 32 – 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Doty in view of U. S. Patent Publication 2002/0169773 issued to Penrod et al. ("Penrod"). These rejections are respectfully traversed.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. See MPEP §2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. First,

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there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings.[1] Second, there must be a reasonable expectation of

success. Finally, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior

art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438

(Fed. Cir. 1991). Applicant submits that the combination of references do not teach or

suggest each of the features of the present invention.

Independent Claim 1 over DAM and Doty

The present invention generally relates to a digital rights protection method and system.

Claim 1 recites, in pertinent part:

> accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application;
> composing a shareable content object (SCO) representing one or more assets using the authoring application;
> assigning a digital rights to the SCO to secure the one or more assets; and
> individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets,
> wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version.

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[1] While the *KSR* court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the [Supreme] Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

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In addressing claim 1, the Examiner asserts that DAM teaches each of the features of claim 1 except for wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version. However, the Examiner asserts that Doty teaches wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version and that it would have been obvious to combine DAM and Doty.

Applicant respectfully disagrees that DAM teaches each of the features of claim 1 except for wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version, as the Examiner asserts. For example, Applicant submits that DAM does not teach or suggest: (1) accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application; and (2) composing a shareable content object (SCO) representing one or more assets using the authoring application.

No Teaching Or Suggestion Of Accessing Authoring Application For Creating A Shareable Content Object (SCO), The Accessing Being Through At Least One Of A Web Based Remote Access And A Download Of The Authoring Application

Applicant submits that DAM does not teach or suggest accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application.

The Examiner asserts that DAM teaches these features at page 7 (digital asset management section), page 16, (comprehensive process support section) and Figure 2. Applicant has reproduced the cited portions of DAM below, which state:

DAM (Digital Asset Management)

Generally implies the management of assets that are created in Image form, like graphics, scanned from document layouts, photographs, etc. But can be construed to be a superset of ECM, by virtue of the fact that it also includes one or more content type – video. DAM abbreviation is used in the first category described above. Taking the example of a magazine publisher, Content Management solutions will address the process of page making, layout templates, and assembly of multiple sections/pages within the magazine/website, whereas DAM initiatives/solutions take up the management of the various components of what goes into these pages: - content objects like images/photographs and their descriptors, text section header, graphics, diagrams, etc.

Comprehensive process support

This system should be able to perform various functions and processes for contributing, collaborating on and controlling content. Cross media workflow is the need of the hour.
The ability to share, author, revise, combine, re-purpose, proof, and/or customize their product information in an efficient and centralized way. A DAM system user must be able to do cross-referencing related content.
To effectively meet the compressed time frames, a content providers' employees, partners, and contractors must be able to submit, check status, review, proof, and control their content and associated publishing events from remote locations. This makes it necessary for the content repository to be Web accessible with a web savvy workflow.
In addition, the system should be designed such that it is able to reclassify or re-categorize the content objects or rework/edit the Meta-data without reprocessing of the content objects.

Additionally, Applicant has reproduced Figure 2 of DAM below.

Figure 2:

Cross Media Production & Application Framework
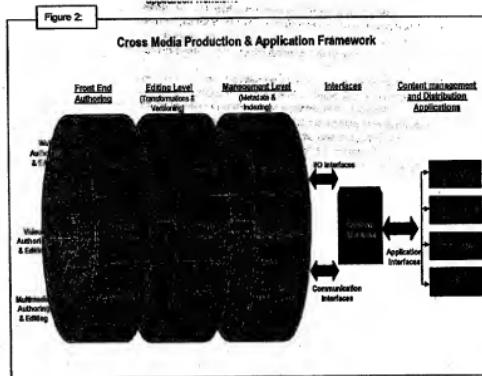
Applicant submits that the above-cited passages of DAM do not teach or suggest accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application. Applicant respectfully submit that the above passages and Figure 2 of DAM merely teach that front end authoring occurs.

However, Applicant submits that DAM does not teach or suggest accessing an authoring application. That is, Applicant submits that DAM's teaching that front end authoring occurs does not necessitate that an authoring application is accessed. Additionally, Applicant notes that while Figure 2 is titled "Cross Media Production & Application Framework," Applicant submits that the "front end authoring" is not disclosed as an application, but rather a processing step and the applications are shown on the right side of Figure 2.

Additionally, assuming *arguendo* that the front end authoring step can be considered an application (which Applicant does not concede), Applicant submits that DAM does not disclose the accessing being through at least one of a web based remote access and a download of the

authoring application. That is, Applicant submits that the DAM does not teach or suggest that an authoring application is accessed through a downloaded or using a web based remote access. While Applicant acknowledges that DAM discloses that the content repository should be web accessible, Applicant respectfully submits that the content repository is not an authoring application.

Additionally, Applicant submits that Doty does not cure the above-noted deficiencies of DAM. That is, Applicant submits that Doty at least does not teach or suggest accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application.

Thus, for at least these reasons, Applicant respectfully submits that DAM does not teach or suggest accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application, as recited in claim 1. Therefore, Applicant submits that the combination of DAM and Doty does not teach or suggest each of the features of claim 1, and does not render the present invention unpatentable.

<u>No Teaching Or Suggestion Of Composing A Shareable Content Object (SCO) Representing One Or More Assets Using The Authoring Application</u>

Applicant submits that DAM does not teach or suggest composing a shareable content object (SCO) representing one or more assets using the authoring application, as the Examiner asserts. Specifically, the Examiner asserts these features are disclosed at page 7 (digital asset management section), page 16, (comprehensive process support section) and Figure 2 (all reproduced above). Applicant respectfully disagrees.

As discussed above, Applicant respectfully submits that DAM does not teach or suggest the recited authoring application. As such, Applicant submits that DAM cannot teach or suggest composing a shareable content object (SCO) representing one or more assets <u>using the authoring application</u>.

Thus, Applicant submits that that DAM does not teach or suggest composing a shareable content object (SCO) representing one or more assets using the authoring application, as recited in claim 1. Therefore, Applicant submits that the combination of DAM and Doty does not teach or suggest each of the features of claim 1, and does not render the present invention unpatentable.

Dependent Claims 5 – 11, 15 and 16 over DAM and Doty

Applicant submits that claims 5 – 11, 15 and 16 are dependent claims, depending from a distinguishable base claim. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Claim 7

Claim 7 recites, in pertinent part:

> . . . parsing the package to extract structure and titles; and
> assigning a package ID with a package name to the SCO.

Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 7. For example, Applicant submits that DAM in view of Doty does not teach or suggest parsing the package to extract structure and titles.

In addressing claim 7, the Examiner asserts that Doty discloses parsing the package to extract structure and titles at paragraph [0164] (reproduced above). Applicant disagrees.

For the reasons, set forth above with regard to claim 27, Applicant submits that DAM in view of Doty does not teach or suggest "parsing the package to extract structure and titles of the package. More specifically, while acknowledging that Figure 19 (reproduced above) shows an admin reports section 320, which identifies a user ID, name, order number, course name, date, status, state, price and the like, Applicant respectfully submits that paragraph [0164] and Figure 19 do not disclose "parsing the package to extract structure and titles of the package." Instead, Applicant submits that paragraph [0164] and Figure 19 merely illustrate that an administrative portal can also include an admin reports section 320 which identifies a user ID, name, order number, course name, date, status, state, price and the like. Applicant notes that paragraph [0164] and the entirety of Doty is completely silent with regard to "parse," "parsing" and "parsed." Therefore, Applicant submits that Doty does not disclose parsing the package to extract structure and titles of the package, as the Examiner asserts.

Additionally, Applicant submits that DAM does not cure the above-noted deficiencies of Doty. That is, Applicant submits that DAM at least does not teach or suggest parsing the package to extract structure and titles.

Thus, Applicant respectfully submits that DAM in view of Doty does not teach or suggest the features of claim 7, and does not render the present invention unpatentable.

Claim 8

Additionally, Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 8. Claim 8 recites, in pertinent part:

> . . . generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability; and
> storing the promotional material and the SCO in an on-line catalog.

In addressing claim 8, the Examiner cites paragraph [0137] of Doty. Applicant has reproduced paragraph [0137] below, which states: (emphasis added)

> FIG. 12 illustrates a screen shot of an embodiment of a sign up page 72. The sign up page 72 typically includes a personal information section including fields for name, password, license number, date of birth, social security number, <u>promotional code</u>, email address, credit card type, credit card number, credit card expiration date and other pertinent demographic information. The page 72 can also include a billing information section having fields for name, address, city, state, zip code and other pertinent demographic information.

For the reasons set forth above with regard to claim 27, Applicant submits that the promotional code field cannot reasonably constitute the recited promotional material. That is, as noted above, entering a promotional code in the promotional code field may allow a user to receive some offered promotion upon signing up to the system. However, Applicant respectfully submits that Doty's disclosure of a promotional code field (i.e., a blank space into which a user may enter a promotional code) does not constitute promotional material. Thus, Applicant submits that that Doty does not disclose promotional material, as the Examiner asserts.

Additionally, as should be understood by one of ordinary skill in the art, thumbnails are reduced-size versions of pictures, used to make it easier to scan and recognize them, serving a similar role for images as a normal text index does for words. Applicant submits that Doty merely discloses an entry field for promotional codes that may be used, for example, to obtain a promotional discount. In view of the above, Applicant submits that that Doty does not disclose at least the recited thumbnail, as the Examiner asserts.

Additionally, Applicant submits that DAM does not cure the above-noted deficiencies of Doty. That is, Applicant submits that DAM at least does not teach or suggest generating promotional material and thumbnail.

Thus, Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 8, and does not render the present invention unpatentable.

Claim 10

Claim 10 recites, in pertinent part:

> . . . wherein the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights.

Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 10. For example, Applicant submits that DAM in view of Doty does not teach or suggest the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights.

In addressing claim 10, the Examiner asserts that Doty discloses the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights at paragraphs [0129] and [0167]. Applicant respectfully disagrees. Applicant has reproduced the Examiner-cited paragraph [0129] below, which states:

> A course can have a number of licenses associated with it, this means if a course has 1000 licenses, then that course may be enrolled in 1000 times, if a user enrolls in a course twice because they forfeited the first time, that is 2 uses of the license. A course is only visible to a user or a group once it is assigned to a user or group a course can be assigned to one or more groups or users for enrollment.

Additionally, paragraph [0167] is reproduced above.

Applicant submits that these passages of Doty do not disclose the assigning digital rights step assigns rights <u>to the one or more assets to independently access the one or more assets</u> under control of the assigned digital rights. That is, the one or more assets are of the recited SCO. In other words, an SCO may include one or more assets, and the DRM is controlled to assign rights <u>to the one or more assets to independently access the one or more assets.</u>

However, Applicant submits that Doty does not disclose assigning rights to the one or more assets to independently access the one or more assets, as the Examiner asserts. Instead, Applicant submits that paragraph [0129] merely discloses that a particular course (which the Examiner considers the recited SCO) can have a number of user licenses, such that the course can be enrolled into a number of times. However, Applicant submits that this passage does not disclose, teach or suggest that the DRM is controlled to assign rights <u>to the one or more assets to independently access the one or more assets of the SCO,</u> as the Examiner asserts.

Additionally, Applicant submits that paragraph [0167] does not disclose assigning rights to the one or more assets to independently access the one or more assets, as the Examiner asserts. Applicant submits that paragraph [0167] teaches an administrative portal that may be used in the system of Doty. However, Applicant submits that this passage does not disclose assigning rights to the one or more assets of the SCO to independently access the one or more assets of the SCO.

Additionally, Applicant submits that DAM does not cure the above-noted deficiencies of Doty. That is, Applicant submits that DAM at least does not teach or suggest the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights.

Thus, for at least these reasons, Applicant submits that Doty does not disclose assigning

rights to the one or more assets to independently access the one or more assets. Therefore,

Applicant submits that DAM in view of Doty does not teach or suggest the features of claim 10,

and does not render the present invention unpatentable.

Claim 11

Claim 11 recites, in pertinent part:

> . . . further comprising the step of placing the SCO, the metadata file and a
> promotional file into a digital container.

Applicant submits that DAM in view of Doty does not teach or suggest each of the

features of claim 11. For example, Applicant submits that DAM in view of Doty does not teach

or suggest placing the SCO, the metadata file and a promotional file into a digital container.

In addressing claim 11, the Examiner asserts that Doty discloses placing the SCO, the

metadata file and a promotional file into a digital container at paragraphs [0109] and [110].

Applicant respectfully disagrees. Applicant has reproduced these paragraphs below, which state:

> Typically, once exiting footage, or courseware, is identified by an
> educational provider, the system operator can encode the content into a
> Windows Media format for insertion into the platform of the system and
> dissemination over a network such as the Internet. It is understood that
> other formats for use with other operating systems is also contemplated.
> Through the system's 1--encoding process, pre-recorded video is formatted
> instantly for use as downloadable or streaming Internet media and at all bit
> rates (typically up to 8 Mbits). It is understood that other encoding
> techniques can be used in the system 10 in other embodiments.
>
> In addition to existing footage and/or courseware, the system 10 is
> capable of using off-the-shelf video-powered course libraries maintained
> in the system operator's own course catalog. Specifically, the developers
> of the system 10 can use the best off-the-shelf courses from leading
> corporate training providers and media-enable such content into the
> platform of the system. These third party courses run in the classroom
> interface 20 just as any custom course runs in the interface 20. Educational

> providers can typically utilize an Internet based learning solution fully
> equipped with popular training titles as well as any custom courses they
> choose to create.

Applicant submits that these passages merely disclose that learning materials may be

encoded into different formats and that existing learning materials may be also be used with the

Doty system. Applicant submits that these passages do not teach or suggest at least a metadata

file and a promotional file. Moreover, Applicant submits that Doty in its entirety is completely

silent with regard to "metadata." As such, Applicant submits that Doty does not teach or suggest

uploading a package containing the SCO <u>and a metadata file</u>, as recited in claim 11.

Furthermore, for the reasons set forth with regard to claims 8 and 27, Applicant submits that

Doty does not teach or suggest a promotional file.

Additionally, Applicant submits that DAM does not cure the above-noted deficiencies of

Doty. That is, Applicant submits that DAM at least does not teach or suggest placing the SCO,

the metadata file and a promotional file into a digital container.

Thus, for at least these reasons, Applicant submits that DAM in view of Doty does not

teach or suggest each of the features of claim 11, and does not render the present invention

unpatentable.

Claim 16

Claim 16 recites, in pertinent part:

> . . . packaging a content aggregation file separately from the SCO and any asset
> files, wherein the content aggregation file includes for the SCO: an associated
> metadata file, a manifest file, a content packaging information, and encrypted
> rights.

Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 16. For example, Applicant submits that DAM in view of Doty does not teach or suggest packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights.

In addressing claim 16, the Examiner asserts that Doty discloses packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights at paragraphs [0104] and [0177]. Applicant respectfully disagrees. Applicant has reproduced these paragraphs below, which state:

> In an embodiment, the system 10 can provide connections with providers who can help in the design for courses, graphic design, web development, production, development of a course catalog, hosting and serving development and general technical support. As described above in greater detail, many sources of the streaming video is provided. In another embodiment, video can be produced with broadcast anchors and proctors available for the video production. Any necessary video editing, in-studio production or remote production can be provided with the system 10. Existing content can be integrated as needed. Further services generally include complete web portal development, digital encoding services and the like.

> Certifications can also be sent to the student's appropriate supervisor via email upon completion of the course. More specifically, the platform provides for additional functionality by offering certification at various levels of operation. With regard to the student portal 18, registration and enrollment certification are required for e-Certification, pay-per-view and e-commerce applications. In each of these applications, the SSL technology is used to enable a secure transfer of user information. The student portal 18 also encrypts, authenticates and ensures data integrity. The student portal also protects the user's identity after registration.

Applicant notes that these passages of Doty (and Doty in its entirety) are completely silent with regard to "content aggregation file," "metadata", "metadata file," "manifest" and "manifest file." As such, Applicant submits that Doty does not disclose packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights, as the Examiner asserts.

Additionally, Applicant submits that DAM does not cure the above-noted deficiencies of Doty. That is, Applicant submits that DAM at least does not teach or suggest packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights.

Thus, Applicant submits that DAM in view of Doty does not teach or suggest each of the features of claim 16, and does not render the present invention unpatentable.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 1, 5 – 11, 15 and 16 be withdrawn.

Dependent Claims 2 – 4 over DAM, Doty and Wiser

Applicant submits that claims 2 – 4 are dependent claims, depending from a distinguishable base claim. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 2 – 4 be withdrawn.

Dependent claims 12 – 14 over DAM, Doty and Moses

Applicant submits that claims 12 – 14 are dependent claims, depending from a distinguishable base claim. Moreover, Applicant submits Moses does not cure the deficiencies of DAM and Doty. For example, Applicant submits that Moses at least does not teach or suggest accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application. Applicant notes that Moses was cited for its purported teachings of the features of claims 12 and 14. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 12 – 14 be withdrawn.

Independent claim 17 over Doty in view of Bjornestad

Independent claim 17 recites, in pertinent part:

> . . . creating a package containing one or more shareable content objects (SCOs);
> assigning digital rights management (DRM) to the one or more SCOs;
> updating an on-line electronic store (e-Store) with the one or more SCOs;
> making the one or more SCOs available for searching and downloading at a client, wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable; and
> logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role.

Applicant submits that the combination of references do not teach or suggest each of the features of claim 17. For example, Applicant submits that Doty in view of Bjornestad does not

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teach or suggest "updating an on-line electronic store (e-Store) with the one or more SCOs" and

"making the one or more SCOs available for searching and downloading at a client, wherein

access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include

one or more assets individually controllable."

No Teaching or Suggestion of Updating an On-Line Electronic Store (E-Store) With the One Or More SCOs

Applicant submits that Doty in view of Bjornestad does not teach or suggest updating an

on-line electronic store (e-Store) with the one or more SCOs. The Examiner asserts that Doty

discloses updating an on-line electronic store (e-Store) with the one or more SCOs at paragraphs

[0056] and [0125]. Applicant respectfully disagrees.

Applicant has reproduced the Examiner-cited paragraphs below, which state:

> In another implementation, supporting the content comprises
> providing updated video content as needed.
>
> In an embodiment of a platform, certain hierarchical criteria can be
> implemented. Some typical hierarchical definitions include a system that
> is a unique instruct portal, the system having its own set of properties such
> as a main page URL, the initial page once logged in can either be created
> and hosted on our servers or hosted remotely, system contacts for: support,
> billing and administration. A system can typically have different versions
> and modules and a system has a unique DS, ID, and set of branding, as
> well as independent versions of any/all modules. A module is a particular
> feature that is independent of the system a module can be: "my courses",
> course guide, new user sign up, admin, schedule, message boards,
> framework (the actual look and feel "skin" of the system), file upload,
> related resources, help system and the like.

Applicant submits that the above passages of Doty do not disclose updating an on-line

electronic store (e-Store) with the one or more SCOs. Instead, Applicant submits that paragraph

[0056] merely indicates that supporting content may include providing updated video content.

As such, Applicant submits that this passage does not disclose teach or suggest updating an on-line electronic store (e-Store) with the one or more SCOs, as recited in claim 17. Furthermore, Applicant submits that paragraph [0125] discloses that hierarchical criteria can be implemented with the Doty system. However, Applicant submits that this passage does not disclose updating an on-line electronic store (e-Store) with the one or more SCOs, as the Examiner asserts. Furthermore, Applicant submits that the entirety of Doty is silent with respect to "store," "e-store" or "electronic store." Thus, for at least these reasons, Applicant submits that Doty does not disclose updating an on-line electronic store (e-Store) with the one or more SCOs, as the Examiner asserts.

Additionally, Applicant submits that Bjornestad does not cure the above-noted deficiencies of Doty. For example, Applicant submits that Bjornestad at least does not teach or suggest updating an on-line electronic store (e-Store) with the one or more SCOs. Instead, with Bjornstad, as discussed at paragraph [0055] for example, the content is stored in and accessed through an "Open Learning Management System." As such, Applicant submits that Bjornestad at least does not teach or suggest updating an on-line electronic store (e-Store) with the one or more SCOs.

Therefore, Applicant submits that Doty in view of Bjornestad does not teach or suggest each of the feature of claim 17.

No Teaching Or Suggestion Of the One Or More SCOs Include One Or More
Assets Individually Controllable

Applicant submits that Doty in view of Bjornestad does not teach or suggest the one or
more SCOs include one or more assets individually controllable.   In addressing claim 17, the
Examiner asserts that Doty discloses at paragraph [0171]. Applicant respectfully disagrees.

Applicant has reproduced the Examiner-cited paragraph below, which state:

> As mentioned above, DRM is applied via the administrative portal
> 22, DRM vests the digital rights of the purchased or selected
> course/program to be accessible to the user after appropriate validations
> and checks or payments. This vesting may be for one time use, weekly,
> monthly, annually or other by other appropriate time period. DRM also
> prevents the user from successfully logging into the system and then
> emailing the streaming link to an outside audience. Digital rights are
> vested in favor of the user.

Applicant respectfully submits that this passage of Doty does not disclose the one or
more SCOs include one or more assets individually controllable. Instead, Applicant submits that
this passage merely explains that DRM vests the digital rights of the purchased or selected
course/program to be accessible to the user after appropriate validations and checks or payments.
However, Doty does not teach or suggest that the Examiner-designated SCO (i.e., the
course/program) include one or more assets individually controllable, as recited in claim 17.

Moreover, for the reasons set forth above with regard to claim 10, Applicant submits that
Doty does not teach or suggest that the Examiner-designated SCO (i.e., the course/program)
include one or more assets individually controllable, as recited in claim 17.

Therefore, for at least these reasons, Applicant submits that Doty in view of Bjornestad
does not teach or suggest each of the features of claim 17, and does not render the present
invention unpatentable.

No Teaching Or Suggestion Of Making The One Or More SCOs Available For
Searching And Downloading At A Client

Applicant submits that Doty in view of Bjornestad does not teach or suggest making the

one or more SCOs available for searching and downloading at a client. In addressing this feature

of the present invention the Examiner acknowledges that Doty does not disclose this feature.

However, the Examiner asserts that Bjornestad discloses making the one or more SCOs available

for searching and downloading at a client at paragraph [0055]. Applicant respectfully disagrees.

Applicant has reproduced paragraph [0055] below, which states: (emphasis added)

> As shown in the screen shot of FIG. 7, a user logs into an OLMS (in this
> case "eLearning.EdVantage") in accordance with the invention by giving a
> user name and password. FIG. 8 shows how a user can have access to a
> range of courses, provided by different sources. FIG. 9 shows how the
> OLMS, using the same interface, enables a student to have access to a
> course--in this case a course on "Advanced Presentation Skills" provided
> SkillSoft (TM). <u>From the same screen, the user can search for additional
> resources e.g. by looking for books through "Amazon.co.uk" (TM)</u>. As
> shown in FIG. 10, a student may access information on course progress,
> scores etc. provided by the external course provider, still using the same
> interface.

Additionally, Applicant has reproduced Figure 9

As shown in Figure 9, Applicant submits that Bjornestad provides a user with the ability to search Amazon.co.uk for additional information. However, Applicant submits that providing a search tool for searching a bookstore website does not constitute making the one or more SCOs available for searching and downloading at a client, as the Examiner asserts. That is, the contents of the bookstore website would not contain the SCOs. As such, the searching ability provided by Bjornestad does not make the one or more SCOs available for searching and downloading at a client.

Thus, Applicant submits that Doty and Bjornestad does not teach or suggest making the one or more SCOs available for searching and downloading at a client, and does not render the present invention unpatentable.

Accordingly, for at least these reasons, Applicant submits that Doty in view of Bjornestad does not teach or suggest each of the features of claim 17, and does not render the present invention unpatentable.

Dependent claims 18 – 21, 23, 25 and 26 over Doty in view of Bjornestad

Applicant submits that claims 18 – 21, 23, 25 and 26 are dependent claims, depending from a distinguishable base claim. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Claim 18

Additionally, Applicant submits that Doty in view of Bjornestad does not teach or suggest the features of claim 18. Claim 18 recites, in pertinent part:

> . . . wherein in the creating a package step the package contains a content
> aggregation file containing at least one of a metadata, a manifest, content

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> packaging information, and a encrypted rights for each SCO in the
> package.

In addressing claim 18, the Examiner asserts that Doty discloses creating a package step wherein the package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package. For the reasons set forth above with regard to claim 16, Applicant submits that Doty does not disclose, teach or suggest the creating a package step the package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package, as the Examiner asserts.

Additionally, Applicant submits that Bjornestad does not cure the above-noted deficiencies of Doty. For example, Applicant submits that Bjornestad at least does not teach or suggest a package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package. In fact, Applicant submits that Bjornestad is completely silent with respect to "manifest," "metadata" and "content aggregation."

Thus, Applicant submits that Doty in view of Bjornestad does not teach or suggest each of the features of claim 18, and does not render the present invention unpatentable.

Claim 23

Additionally, Applicant submits that Doty in view of Bjornestad does not teach or suggest the features of claim 23. Claim 23 recites, in pertinent part:

> . . . logging onto an electronic store (e-store) to access the one or more
> SCOs; and generating promotional material and supplying parameters
> indicating at least one of: a package ID, whether each of the SCOs is
> encrypted, whether the one or more SCOs are to be delivered via on-line
> or off-line mode, whether the package is a course or SCO, a license server

address, content manager address, and whether the promotional contents
are packaged into a secure container.

In addressing claim 23, the Examiner asserts that Doty discloses logging onto an

electronic store (e-store) to access the one or more SCOs at paragraphs [0084] and [0125], and

asserts that Doty discloses indicating whether promotional contents are packaged into a secure

container at paragraphs [0183] and [0188]. Applicant disagrees.

More specifically, for the reasons set forth above at least with respect to claim 8,

Applicant submits that Doty does not disclose, teach or suggest logging onto an electronic store

(e-store) to access the one or more SCOs and indicating whether promotional contents are

packaged into a secure container.

Additionally, Applicant submits that Bjornestad does not cure the above-noted

deficiencies of Doty. For example, as noted above, Applicant submits that Bjornestad at least

does not teach or suggest logging onto an electronic store (e-store) to access the one or more

SCOs at paragraphs. Instead, with Bjornstad, as discussed at paragraph [0055] for example, the

content is stored in and accessed through an "Open Learning Management System." As such,

Applicant submits that Bjornestad at least does not teach or suggest updating an on-line

electronic store (e-Store) with the one or more SCOs.

Thus, Applicant respectfully submits that Doty in view of Bjornestad does not teach or

suggest the features of claim 23, and does not render the present invention unpatentable.

Claim 25

Additionally, Applicant submits that Doty in view of Bjornestad does not teach or

suggest the features of claim 25. Claim 25 recites, in pertinent part:

> . . . extracting information including thumbnail promotional material from a content aggregation (CA) file; ingesting the one or more SCOs and CA file into a catalog using the information; and storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs, wherein the thumbnail promotional material and one or more SCOs are searchable

In addressing claim 25, the Examiner asserts that Doty discloses extracting information including thumbnail promotional material from a content aggregation (CA) file at paragraph [0037] and discloses storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs at paragraphs [0103], [0104] and [0110]. Applicant disagrees.

More specifically, for the reasons set forth above at least with respect to claim 16, Applicant submits that Doty does not disclose, teach or suggest extracting information including thumbnail promotional material from a content aggregation (CA) file and storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs.

Additionally, Applicant submits that Bjornestad does not cure the above-noted deficiencies of Doty. For example, Applicant submits that Bjornestad at least does not teach or suggest extracting information including thumbnail promotional material from a content aggregation (CA) file and storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs. In fact, Applicant submits that Bjornestad is completely silent with respect to "promotional," "thumbnail," and "content aggregation."

Thus, Applicant respectfully submits that Doty in view of Bjornestad does not teach or suggest the features of claim 25, and does not render the present invention unpatentable.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 17 – 21, 23, 25 and 26 be withdrawn.

Dependent Claim 24 over Doty, Bjornestad and Moses

Applicant submits that claim 24 is a dependent claim, depending from a distinguishable base claim. Additionally, Applicant submits that Moses does not cure the deficiencies of Doty and Bjornestad. For example, Applicant submits that Moses at least does not teach or suggest he one or more SCOs include one or more assets individually controllable. That is, with Moses the SCO is a song. However, Applicant submits that an SCO containing a song would not contain one or more assets individually controllable. Applicant notes that Moses was cited for its purported teachings of the features of claim 24. Accordingly, this claim should be in condition for allowance based upon its dependency.

Accordingly, Applicant respectfully requests that the rejection over claim 24 be withdrawn.

Independent Claim 32 over Doty in view of Penrod

Independent claim 32 recites, in pertinent part:

> . . . a secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials;
> an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction; and
> a digital rights generation layer having one or more components adapted to provide a web-based interface for specifying different rights to the one or more parts for providing protected digital content.

Applicant submits that the combination of references do not teach or suggest each of the

features of claim 32. For example, Applicant submits that Doty in view of Penrod does not teach

or suggest "providing error messages to enable correction."

In addressing claim 32, the Examiner asserts that Doty discloses providing error

messages to enable correction at paragraphs [0036], [0154] and [0156]. Applicant respectfully

disagrees. Applicant has reproduced the Examiner-cited paragraphs below, which state:

> In another implementation, the system is AICC and SCORM
> compliant.
>
> In one embodiment, the system 10 is typically also Aviation
> Industry CBT Committee (AICC) and Shareable Content Object
> Reference Model (SCORM) compliant. SCORM enables the industry to
> package content from different vendors into a single course. Courses or
> content form multiple sources can be combined into a single package and
> then be managed in a learning management system using certain
> specifications. AICC typically uses high standards that can include
> interoperability that software vendors can use across multiple industries.
> With these types of standards, a vendor can sell its products to a broader
> market at a lower unit cost. AICC recommendations are fairly general to
> most types of computer-based training and for this reason is widely used
> outside of the aviation training industry. It is understood that other types
> of recommendations and standards are contemplated.
>
> In one embodiment, as delivery is prepared though the platform,
> courses are created as Sharable Content Objects (SCOs) and enhanced
> with the addition of streaming media, security features, and additional
> functionality. In some instances, it is necessary for users to launch these
> SCOs from a 3d party Learning Management System. Other users may
> require existing courseware to be integrated into the platform. In either
> case, the platform is a Sharable Content Object Reference Model
> (SCORM) compliant platform able to easily launch any SCO.

Applicant submits that the above passages (and Doty in its entirety) are silent with

respect to "error" and "correction." As such, Applicant submits that Doty does disclose

providing error messages to enable correction, as the Examiner asserts. Additionally, Applicant

submits that Penrod does not cure the deficiencies of Doty. For example, Applicant submits

Penrod does not teach or suggest "providing error messages to enable correction." Applicant

submits that Penrod in its entirety is silent with respect to "error" and "correction."

Thus, Applicant submits that Doty in view of Penrod does not teach or suggest each of

the features of claim 32, and does not render the present invention unpatentable.

Dependent Claims 33 – 38 over Doty in view of Penrod

Applicant submits that claims 33 – 38 are dependent claims, depending from a

distinguishable base claim. Accordingly, these claims should be in condition for allowance

based upon their dependencies.

Claim 33

Additionally, Applicant submits that Doty in view of Penrod does not teach or suggest

the features of claim 33. Claim 33 recites, in pertinent part:

> . . . means for generating digital rights files and associating the digital
> rights files with the digital content by embedding links into a metadata
> right field within corresponding metadata files.

In addressing claim 33, the Examiner asserts that Doty discloses means for generating

digital rights files and associating the digital rights files with the digital content by embedding

links into a metadata right field within corresponding metadata files at paragraph [0169].

Applicant disagrees.

Applicant has reproduced paragraph [0169] below, which states:

> In general, the administrative portal 22 can provide a mechanism for
> administrative functions including the generation of reports, hierarchical
> permissions, file sharing and account management, authentication, digital
> rights management (DRM), email messaging with administrator options,
> polling allowing the administrator or instructor to add/edit/modify polls,
> alert area containing new information relating to items such as course

> updates, messages from teachers, new messages, system updates and
> system maintenance, custom setting for specifying custom administration
> and user settings, related sources wherein instructors can post URLs and
> reference materials, course catalogue management, scheduling e-
> Organizing, filing sharing and the like. It is understood that many other
> mechanisms can be provided by and for the administrative portal 22 and
> that those listed above are for example purposes.

Applicant notes that this passage of Doty (and Doty in its entirety) is silent with respect
to "metadata" and "metadata files." As such, Applicant submits that Doty does not disclose
means for generating digital rights files and associating the digital rights files with the digital
content by embedding links into a metadata right field within corresponding metadata files, as
the Examiner asserts. Additionally, Applicant submits that Penrod does not cure the deficiencies
of Doty. For example, Applicant submits that Penrod in its entirety is silent with respect to
"metadata" and "metadata files." Thus, Applicant submits that Doty in view of Penrod does not
teach or suggest each of the features of claim 33, and does not render the present invention
unpatentable.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection
over claims 32 – 38 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510.

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